

# EXHIBIT C



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

November 23, 2022

Laboni A. Hoq  
HOQ LAW APC  
P.O. Box 753  
South Pasadena, CA 91030

SENT VIA EMAIL TO: [laboni@hoqlaw.com](mailto:laboni@hoqlaw.com)

Subject: *ACLU Foundation of Southern California v. U.S. Immigration and Customs Enforcement, et al.*, No. 22-cv-04760 (C.D. Cal. filed July 12, 2022); DHS OIG Freedom of Information Act Request No. 2022-IGFO-00158; Interim Response

Dear Attorney Hoq:

This is our first interim response to the above-captioned litigation and Freedom of Information Act (FOIA) request submitted to the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), dated April 29, 2022, seeking the disclosure of records related to the “release of hospitalized detainees from custody prior to their death; any records related to release of individual detainees once hospitalized; and any records related to the death of such detainees after their release from custody, including any communications or investigations.” DHS OIG received this request on May 2, 2022, and assigned it Case No. 2022-IGFO-00158.

In response to this request, a search of the DHS OIG Office of Investigations was conducted. That search resulted in the enclosed records responsive to your request. Our office has reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. We have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General’s guidance.<sup>1</sup> Based on that review, this office is providing the following:

4 page(s) are released in full;  
117 page(s) are released in part;  
127 page(s) are duplicates;

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<sup>1</sup> Department of Justice (DOJ), "Freedom of Information Act Guidelines," March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>

220 page(s) were referred to the U.S. Immigration and Customs Enforcement (ICE); and

233 page(s) were referred to the U.S. Department of Justice, Executive Office for United States Attorneys (DOJ EOUSA).

The exemptions cited for withholding records or portions of records are marked below.

<b>Freedom of Information Act, 5 U.S.C. § 552</b>			<b>Privacy Act, 5 U.S.C. § 552a</b>
<input type="checkbox"/> 552(b)(1)	<input checked="" type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input checked="" type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

DHS OIG redacted from the enclosed records, names and identifying information of DHS employees and third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemption 3, 5 U.S.C. § 552(b)(3), Exemption 5, 5 U.S.C. § 552(b)(5), Exemption 6, 5 U.S.C. § 552(b)(6), Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), and Exemption 7(E), 5 U.S.C. § 552(b)(7)(E) of the FOIA further discussed below.

### **Exemption 3, 5 U.S.C. § 552(b)(3)**

Exemption 3 protects “information specifically exempted from disclosure by [another] statute.” 5 U.S.C. § 552 (b)(3). In this instance, OIG is withholding information which is otherwise prohibited from disclosure by statutory restrictions.

### **Exemption 5, 5 U.S.C. § 552(b)(5)**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). DHS-OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted

invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS OIG is invoking Exemption 6 to protect: the names of third parties and any information that could reasonably be expected to identify such individuals.

### **Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS OIG is invoking Exemption 7(C) to protect the identities of third parties, and any information contained in these investigative records that could reasonably be expected to identify those individuals.

### **Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)**

Exemption 7(E) of the Freedom of Information Act affords protection to law enforcement information that “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

### **Referral**

During our search for potentially responsive records, DHS OIG located 220 pages that originated with U.S. Immigration and Customs Enforcement (ICE), a component of DHS. Accordingly, we referred these records to ICE for processing and direct response to you. Should you wish to contact ICE regarding this referral, you may write to: Freedom of Information Act Office, 500 12<sup>th</sup> Street, SW, Stop 5009, Washington, D.C. 20536-5009; or, you may e-mail [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

Moreover, DHS OIG located 233 pages that originated with the U.S. Department of Justice, Executive Office for United States Attorneys (DOJ EOUSA). Accordingly, we referred these records to DOJ EOUSA for processing and direct response to you. Should you wish to contact DOJ EOUSA regarding this referral, you may write to: Arla Witte-Simpson, FOIA Public Liaison, FOIA/Privacy Staff, Executive Office for United States Attorneys, Department of Justice, 175 N. Street, NE, Suite 5.400, Washington, D.C. 20530-0001; or, you may call (202) 252-6020.

## **Appeal**

While this request is the subject of ongoing litigation and appeals are not ordinarily processed in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Your appeal must be in writing and received within 90 days after the date of this response. Please submit any appeal via email to [foia.appeals@oig.dhs.gov](mailto:foia.appeals@oig.dhs.gov) or via mail to:

FOIA/PA Appeals Unit  
DHS-OIG Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

If you submit your appeal via email, the subject line of your email should include “Freedom of Information Act Appeal.” If you mail your appeal, both the envelope and letter of appeal must also clearly be marked “Freedom of Information Act Appeal.” Your appeal letter must also clearly identify DHS-OIG’s response to your FOIA request. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

If you have any questions about this response and production, please contact Assistant United States Attorney Joseph W. Tursi at [joseph.tursi@usdoj.gov](mailto:joseph.tursi@usdoj.gov).

Sincerely,

*/s/ R. Jones*  
Chief, Information Law Division  
DHS OIG

Attachment(s)

# EXHIBIT D



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

December 21, 2022

Laboni A. Hoq  
HOQ LAW APC  
P.O. Box 753  
South Pasadena, CA 91030

SENT VIA EMAIL TO: [laboni@hoqlaw.com](mailto:laboni@hoqlaw.com)

Subject: *ACLU Foundation of Southern California v. U.S. Immigration and Customs Enforcement, et al.*, No. 22-cv-04760 (C.D. Cal. filed July 12, 2022); DHS OIG Freedom of Information Act Request No. 2022-IGFO-00158, 2023-IGLI-00002; Second Interim Response

Dear Attorney Hoq:

This is our second interim response to the above-captioned litigation and Freedom of Information Act (FOIA) request submitted to the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), dated April 29, 2022, seeking the disclosure of records related to the “release of hospitalized detainees from custody prior to their death; any records related to release of individual detainees once hospitalized; and any records related to the death of such detainees after their release from custody, including any communications or investigations.” DHS OIG received this request on May 2, 2022, and assigned it Case No. 2022-IGFO-00158.

In response to this request, a search of the DHS OIG Office of Investigations was conducted. That search resulted in the enclosed records responsive to your request. Our office has reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. We have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General’s guidance.<sup>1</sup> For this production, we processed 653 pages of records. Based on our review, this office is providing the following:

60 page(s) are released in full;  
128 page(s) are released in part;  
280 page(s) were referred to the U.S. Immigration and Customs Enforcement (ICE); and

<sup>1</sup> Department of Justice (DOJ), “Freedom of Information Act Guidelines,” March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>.

185 page(s) were referred to the U.S. Department of Justice, Executive Office for United States Attorneys (DOJ EOUSA).

The exemptions cited for withholding records or portions of records are marked below.

<b>Freedom of Information Act, 5 U.S.C. § 552</b>			<b>Privacy Act, 5 U.S.C. § 552a</b>
<input type="checkbox"/> 552(b)(1)	<input checked="" type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input checked="" type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

DHS OIG redacted from the enclosed records, names and identifying information of DHS employees and third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemption 3, 5 U.S.C. § 552(b)(3), Exemption 5, 5 U.S.C. § 552(b)(5), Exemption 6, 5 U.S.C. § 552(b)(6), Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), and Exemption 7(E), 5 U.S.C. § 552(b)(7)(E) of the FOIA further discussed below.

#### **Exemption 3, 5 U.S.C. § 552(b)(3)**

Exemption 3 protects “information specifically exempted from disclosure by [another] statute.” 5 U.S.C. § 552 (b)(3). In this instance, OIG is withholding information which is otherwise prohibited from disclosure by statutory restrictions.

#### **Exemption 5, 5 U.S.C. § 552(b)(5)**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). DHS-OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

#### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS

OIG is invoking Exemption 6 to protect: the names of third parties and any information that could reasonably be expected to identify such individuals.

### **Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS OIG is invoking Exemption 7(C) to protect the identities of third parties, and any information contained in these investigative records that could reasonably be expected to identify those individuals.

### **Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)**

Exemption 7(E) of the Freedom of Information Act affords protection to law enforcement information that “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

### **Referral**

During our search for potentially responsive records, DHS OIG located 280 pages that originated with U.S. Immigration and Customs Enforcement (ICE), a component of DHS. Accordingly, we referred these records to ICE for processing and direct response to you. Should you wish to contact ICE regarding this referral, you may write to: Freedom of Information Act Office, 500 12<sup>th</sup> Street, SW, Stop 5009, Washington, D.C. 20536-5009; or, you may e-mail [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

DHS OIG also located 185 pages that originated with the U.S. Department of Justice, Executive Office for United States Attorneys (DOJ EOUSA). Accordingly, we referred these records to DOJ EOUSA for processing and direct response to you. Should you wish to contact DOJ EOUSA regarding this referral, you may write to: Arla Witte-Simpson, FOIA Public Liaison, FOIA/Privacy Staff, Executive Office for United States Attorneys, Department of Justice, 175 N. Street, NE, Suite 5.400, Washington, D.C. 20530-0001; or, you may call (202) 252-6020.

### **Appeal**

While this request is the subject of ongoing litigation and appeals are not ordinarily processed in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Your appeal must be in writing and received within 90 days after the date of this

response. Please submit any appeal via email to [foia.appeals@oig.dhs.gov](mailto:foia.appeals@oig.dhs.gov) or via mail to:

FOIA/PA Appeals Unit  
DHS-OIG Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

If you submit your appeal via email, the subject line of your email should include “Freedom of Information Act Appeal.” If you mail your appeal, both the envelope and letter of appeal must also clearly be marked “Freedom of Information Act Appeal.” Your appeal letter must also clearly identify DHS-OIG’s response to your FOIA request. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

If you have any questions about this response and production, please contact Assistant United States Attorney Joseph W. Tursi at [joseph.tursi@usdoj.gov](mailto:joseph.tursi@usdoj.gov).

Sincerely,

*/s/ R. Jones*  
Chief, Information Law and Disclosure Division  
DHS Office of Inspector General

Attachment(s)

# EXHIBIT E



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

January 30, 2023

Laboni A. Hoq  
HOQ LAW APC  
P.O. Box 753  
South Pasadena, CA 91030

SENT VIA EMAIL TO: [laboni@hoqlaw.com](mailto:laboni@hoqlaw.com)

Subject: *ACLU Foundation of Southern California v. U.S. Immigration and Customs Enforcement, et al.*, No. 22-4760 (C.D. Cal. filed July 12, 2022); DHS OIG Freedom of Information Act Request No. 2022-IGFO-00158, 2023-IGLI-00002; Third Interim Response

Dear Attorney Hoq:

This is our third interim response to the above-captioned litigation and Freedom of Information Act (FOIA) request submitted to the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), dated April 29, 2022, seeking the disclosure of records related to the “release of hospitalized detainees from custody prior to their death; any records related to release of individual detainees once hospitalized; and any records related to the death of such detainees after their release from custody, including any communications or investigations.” DHS OIG received this request on May 2, 2022, and assigned it Case No. 2022-IGFO-00158.

In response to this request, a search of the DHS OIG Office of Investigations was conducted. That search resulted in the enclosed records responsive to your request. Our office has reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. We have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General’s guidance.<sup>1</sup> For this production, we processed 1,078 pages of records. Based on our review, this office is providing the following:

5 page(s) are released in full;  
1 page is released in part; and  
1,072 page(s) are non-responsive.

<sup>1</sup> Department of Justice (DOJ), “Freedom of Information Act Guidelines,” March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>.

The exemptions cited for withholding records or portions of records are marked below.

<b>Freedom of Information Act, 5 U.S.C. § 552</b>			<b>Privacy Act, 5 U.S.C. § 552a</b>
<input type="checkbox"/> 552(b)(1)	<input type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input checked="" type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

DHS OIG redacted and protected from disclosure the personal privacy interests of a third party pursuant to Exemption 3, 5 U.S.C. § 552(b)(3), Exemption 6, 5 U.S.C. § 552(b)(6), and Exemption 7(C), 5 U.S.C. § 552(b)(7)(C) of the FOIA further discussed below.

### **Exemption 3, 5 U.S.C. § 552(b)(3)**

Exemption 3 protects “information specifically exempted from disclosure by [another] statute.” 5 U.S.C. § 552 (b)(3). In this instance, OIG is withholding information which is otherwise prohibited from disclosure by statutory restrictions.

### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS OIG is invoking Exemption 6 to protect the names of third parties and any information that could reasonably be expected to identify such individuals.

### **Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS OIG is invoking Exemption 7(C) to protect the identities of third parties, and any information contained in these investigative records that could reasonably be expected to identify those individuals.

## **Appeal**

While this request is the subject of ongoing litigation and appeals are not ordinarily processed in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Your appeal must be in writing and received within 90 days after the date of this response. Please submit any appeal via email to [foia.appeals@oig.dhs.gov](mailto:foia.appeals@oig.dhs.gov) or via mail to:

FOIA/PA Appeals Unit  
DHS-OIG Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

If you submit your appeal via email, the subject line of your email should include “Freedom of Information Act Appeal.” If you mail your appeal, both the envelope and letter of appeal must also clearly be marked “Freedom of Information Act Appeal.” Your appeal letter must also clearly identify DHS-OIG’s response to your FOIA request. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

If you have any questions about this response and production, please contact Assistant United States Attorney Joseph W. Tursi at [joseph.tursi@usdoj.gov](mailto:joseph.tursi@usdoj.gov).

Sincerely,

*/s/ R. Jones*  
Chief, Information Law and Disclosure Division  
DHS Office of Inspector General

Attachment(s)

# EXHIBIT F



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

February 27, 2023

Laboni A. Hoq  
HOQ LAW APC  
P.O. Box 753  
South Pasadena, CA 91030

SENT VIA EMAIL TO: [laboni@hoqlaw.com](mailto:laboni@hoqlaw.com)

Subject: *ACLU Foundation of Southern California v. U.S. Immigration and Customs Enforcement, et al.*, No. 22-cv-04760 (C.D. Cal. filed July 12, 2022); DHS OIG Freedom of Information Act Request No. 2022-IGFO-00158, 2023-IGLI-00002; Fourth Interim Response

Dear Attorney Hoq:

This is our fourth interim response to the above-captioned litigation and Freedom of Information Act (FOIA) request submitted to the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), dated April 29, 2022, seeking the disclosure of records related to the “release of hospitalized detainees from custody prior to their death; any records related to release of individual detainees once hospitalized; and any records related to the death of such detainees after their release from custody, including any communications or investigations.” DHS OIG received this request on May 2, 2022, and assigned it Case No. 2022-IGFO-00158.

In response to this request, a search of the DHS OIG Office of Investigations was conducted. Our office has reviewed the records under the FOIA to determine whether they are responsive, and whether they may be disclosed to you. For this production, we reviewed 1,140 pages of records. Based on our review, none of the records were responsive to your request.

**Appeal**

While this request is the subject of ongoing litigation and appeals are not ordinarily processed in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Your appeal must be in writing and received within 90 days after the date of this response. Please submit any appeal via email to [foia.appeals@oig.dhs.gov](mailto:foia.appeals@oig.dhs.gov) or via mail to:

FOIA/PA Appeals Unit  
DHS-OIG Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

If you submit your appeal via email, the subject line of your email should include “Freedom of Information Act Appeal.” If you mail your appeal, both the envelope and letter of appeal must also clearly be marked “Freedom of Information Act Appeal.” Your appeal letter must also clearly identify DHS-OIG’s response to your FOIA request. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

If you have any questions about this response and production, please contact Assistant United States Attorney Joseph W. Tursi at [joseph.tursi@usdoj.gov](mailto:joseph.tursi@usdoj.gov).

Sincerely,

*/s/ R. Jones*  
Chief, Information Law and Disclosure Division  
DHS Office of Inspector General

# EXHIBIT G



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

March 30, 2023

Laboni A. Hoq  
HOQ LAW APC  
P.O. Box 753  
South Pasadena, CA 91030

SENT VIA EMAIL TO: [laboni@hoqlaw.com](mailto:laboni@hoqlaw.com)

Subject: *ACLU Foundation of Southern California v. U.S. Immigration and Customs Enforcement, et al.*, No. 22-cv-04760 (C.D. Cal. filed July 12, 2022); DHS OIG Freedom of Information Act Request No. 2022-IGFO-00158; Final Response

Dear Attorney Hoq:

This is our final response to the above-captioned litigation and Freedom of Information Act (FOIA) request submitted to the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), dated April 29, 2022, seeking the disclosure of records related to the “release of hospitalized detainees from custody prior to their death; any records related to release of individual detainees once hospitalized; and any records related to the death of such detainees after their release from custody, including any communications or investigations.” DHS OIG received this request on May 2, 2022, and assigned it Case No. 2022-IGFO-00158.

In response to this request, a search of the DHS OIG Office of Investigations was conducted. That search resulted in the enclosed records responsive to your request. Our office has reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. We have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General’s guidance.<sup>1</sup> For this production, we reviewed 1,005 pages of records. Based on our review, this office is providing the following:

10 page(s) are released in full;  
44 page(s) are released in part;  
113 page(s) are withheld in full;  
736 page(s) are non-responsive;

<sup>1</sup> Department of Justice (DOJ), “Freedom of Information Act Guidelines,” March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>.

61 page(s) are duplicates;  
9 page(s) were referred to the U.S. Immigration and Customs Enforcement (ICE); and  
32 page(s) were referred to the U.S. Customs and Border Protection (CBP).

The exemptions cited for withholding records or portions of records are marked below.

<b>Freedom of Information Act, 5 U.S.C. § 552</b>			<b>Privacy Act, 5 U.S.C. § 552a</b>
<input type="checkbox"/> 552(b)(1)	<input checked="" type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

DHS OIG redacted from the enclosed records, names and identifying information of DHS employees and third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemption 5, 5 U.S.C. § 552(b)(5), Exemption 6, 5 U.S.C. § 552(b)(6), Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), and Exemption 7(E), 5 U.S.C. § 552(b)(7)(E) of the FOIA further discussed below.

#### **Exemption 5, 5 U.S.C. § 552(b)(5)**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). DHS OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

#### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS OIG is invoking Exemption 6 to protect: the names of third parties and any information that could reasonably be expected to identify such individuals.

### **Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS OIG is invoking Exemption 7(C) to protect the identities of third parties, and any information contained in these investigative records that could reasonably be expected to identify those individuals.

### **Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)**

Exemption 7(E) of the Freedom of Information Act affords protection to law enforcement information that “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

### **Referrals**

During our search for potentially responsive records, DHS OIG located nine (9) pages that originated with U.S. Immigration and Customs Enforcement (ICE), a separate component of DHS. Accordingly, we referred these records to ICE for processing and direct response to you. Should you wish to contact ICE regarding this referral, you may write to: Freedom of Information Act Office, 500 12<sup>th</sup> Street, SW, Stop 5009, Washington, D.C. 20536-5009; or, you may e-mail [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

Moreover, DHS OIG located 32 pages that originated with U.S. Customs and Border Protection (CBP), a separate component of DHS. Accordingly, we referred these records to CBP for processing and direct response to you. Should you wish to contact CBP regarding this referral, you may write to: FOIA Officer, U.S. Customs and Border Protection, 90 K Street, NE, FOIA Division, Washington, D.C. 20229, or, you may call (202) 325-0150.

### **Appeal**

While this request is the subject of ongoing litigation and appeals are not ordinarily processed in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Your appeal must be in writing and received within 90 days after the date of this response. Please submit any appeal via email to [foia.appeals@oig.dhs.gov](mailto:foia.appeals@oig.dhs.gov) or via mail to:

FOIA/PA Appeals Unit  
DHS OIG, Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

If you submit your appeal via email, the subject line of your email should include “Freedom of Information Act Appeal.” If you mail your appeal, both the envelope and letter of appeal must also clearly be marked “Freedom of Information Act Appeal.” Your appeal letter must also clearly identify DHS-OIG’s response to your FOIA request. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

If you have any questions about this response and production, please contact Assistant United States Attorney Joseph W. Tursi at [joseph.tursi@usdoj.gov](mailto:joseph.tursi@usdoj.gov).

Sincerely,

*/s/ R. Jones*

Chief, Information Law Division  
DHS OIG

Attachment(s)

# EXHIBIT H



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

June 29, 2023

Laboni A. Hoq  
HOQ LAW APC  
P.O. Box 753  
South Pasadena, CA 91030

SENT VIA EMAIL TO: [laboni@hoqlaw.com](mailto:laboni@hoqlaw.com)

Subject: *ACLU Foundation of Southern California v. U.S. Immigration and Customs Enforcement, et al.*, No. 22-cv-04760 (C.D. Cal. filed July 12, 2022); DHS OIG Freedom of Information Act Request No. 2022-IGFO-00158; First Supplemental Response

Dear Attorney Hoq:

This is our first supplemental response to the above-captioned litigation and Freedom of Information Act (FOIA) request submitted to the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), dated April 29, 2022, seeking the disclosure of records related to the “release of hospitalized detainees from custody prior to their death; any records related to release of individual detainees once hospitalized; and any records related to the death of such detainees after their release from custody, including any communications or investigations.” DHS OIG received this request on May 2, 2022, and assigned it Case No. 2022-IGFO-00158.

In response to this request, a search of the DHS OIG Office of Investigations was conducted. That search resulted in the enclosed records responsive to your request. Our office has reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. We have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General’s guidance.<sup>1</sup> For this production, we reviewed 1,307 pages of records. Based on our review, this office is providing the following:

48 pages are released in full;  
74 pages are released in part;  
74 pages are withheld in full;  
17 pages are non-responsive;

<sup>1</sup> Department of Justice (DOJ), "Freedom of Information Act Guidelines," March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>.

757 pages are duplicates;  
8 pages have been sent to another agency for consultation;  
328 pages have been referred to the U.S. Immigration and Customs Enforcement (ICE); and  
1 page has been referred to the DHS Office for Civil Rights and Civil Liberties (CRCL).

Please note that eight (8) pages of records responsive to your request contain the equities of another DHS component. Therefore, DHS OIG has sent these pages for consultation and can produce them only after the DHS component responds. 6 C.F.R. § 5.4(d)(1).

The exemptions cited for withholding records or portions of records are marked below.

<b>Freedom of Information Act, 5 U.S.C. § 552</b>			<b>Privacy Act, 5 U.S.C. § 552a</b>
<input type="checkbox"/> 552(b)(1)	<input checked="" type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input checked="" type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

DHS OIG redacted from the enclosed records, names and identifying information of DHS employees and third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemption 3, 5 U.S.C. § 552(b)(3), Exemption 5, 5 U.S.C. § 552(b)(5), Exemption 6, 5 U.S.C. § 552(b)(6), Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), and Exemption 7(E), 5 U.S.C. § 552(b)(7)(E) of the FOIA further discussed below.

### **Exemption 3, 5 U.S.C. § 552(b)(3)**

Exemption 3 protects “information specifically exempted from disclosure by [another] statute.” 5 U.S.C. § 552 (b)(3). In this instance, OIG is withholding information which is otherwise prohibited from disclosure by statutory restrictions.

### **Exemption 5, 5 U.S.C. § 552(b)(5)**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party

other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). DHS OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS OIG is invoking Exemption 6 to protect: the names of third parties and any information that could reasonably be expected to identify such individuals.

### **Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS OIG is invoking Exemption 7(C) to protect the identities of third parties, and any information contained in these investigative records that could reasonably be expected to identify those individuals.

### **Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)**

Exemption 7(E) of the Freedom of Information Act affords protection to law enforcement information that “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

### **Referral**

During our search for potentially responsive records, DHS OIG located 328 pages that originated with U.S. Immigration and Customs Enforcement (ICE), a component of DHS. Accordingly, we referred these records to ICE for processing and direct response to you. Should you wish to contact ICE regarding this referral, you may write to: Freedom of Information Act Office, 500 12<sup>th</sup> Street, SW, Stop 5009, Washington, D.C. 20536-5009; or, you may e-mail [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

Moreover, DHS OIG located one (1) page that originated with the DHS Office for Civil Rights and Civil Liberties (CRCL). Accordingly, we referred these records to CRCL for processing and direct response to you. Should you wish to contact CRCL regarding this referral, you may e-mail [crclfoia@hq.dhs.gov](mailto:crclfoia@hq.dhs.gov).

## Appeal

While this request is the subject of ongoing litigation and appeals are not ordinarily processed in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Your appeal must be in writing and received within 90 days after the date of this response. Please submit any appeal via email to [foia.appeals@oig.dhs.gov](mailto:foia.appeals@oig.dhs.gov) or via mail to:

FOIA/PA Appeals Unit  
DHS-OIG Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

If you submit your appeal via email, the subject line of your email should include "Freedom of Information Act Appeal." If you mail your appeal, both the envelope and letter of appeal must also clearly be marked "Freedom of Information Act Appeal." Your appeal letter must also clearly identify DHS-OIG's response to your FOIA request. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

If you have any questions about this response and production, please contact Assistant United States Attorneys Jason Axe at [Jason.Axe@usdoj.gov](mailto:Jason.Axe@usdoj.gov) or Joseph Tursi at [Joseph.Tursi@usdoj.gov](mailto:Joseph.Tursi@usdoj.gov).

Sincerely,

ROY JONES III  
Digitally signed  
by ROY JONES III  
Date: 2023.06.29  
10:44:55 -04'00'

Chief, Information Law Division  
DHS OIG

Attachment(s)

# EXHIBIT I



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

July 31, 2023

Laboni A. Hoq  
HOQ LAW APC  
P.O. Box 753  
South Pasadena, CA 91030

SENT VIA EMAIL TO: [laboni@hoqlaw.com](mailto:laboni@hoqlaw.com)

Subject: *ACLU Foundation of Southern California v. U.S. Immigration and Customs Enforcement, et al.*, No. 22-4760 (C.D. Cal. filed July 12, 2022); DHS OIG Freedom of Information Act Request No. 2022-IGFO-00158; Second Supplemental Response

Dear Attorney Hoq:

This is our second supplemental response to the above-captioned litigation and Freedom of Information Act (FOIA) request submitted to the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), dated April 29, 2022, seeking the disclosure of records related to the “release of hospitalized detainees from custody prior to their death; any records related to release of individual detainees once hospitalized; and any records related to the death of such detainees after their release from custody, including any communications or investigations.” DHS OIG received this request on May 2, 2022, and assigned it Case No. 2022-IGFO-00158.

In response to this request, a search of the DHS OIG Office of Investigations was conducted. That search resulted in the enclosed records responsive to your request. Our office has reviewed the responsive records under the FOIA to determine whether they may be disclosed to you. We have considered the foreseeable harm standard when reviewing the record set and have applied the FOIA exemptions as required by the statute and the Attorney General’s guidance.<sup>1</sup> For this production, we reviewed 1,518 pages of records. Based on our review, this office is providing the following:

91 page(s) are released in part;  
180 page(s) are withheld in full;  
20 page(s) are non-responsive;

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<sup>1</sup> Department of Justice (DOJ), “Freedom of Information Act Guidelines,” March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>.

644 page(s) are duplicates; and  
583 page(s) have been referred to the U.S. Immigration and Customs Enforcement (ICE).

The exemptions cited for withholding records or portions of records are marked below.

<b>Freedom of Information Act, 5 U.S.C. § 552</b>			<b>Privacy Act, 5 U.S.C. § 552a</b>
<input type="checkbox"/> 552(b)(1)	<input checked="" type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input checked="" type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

DHS OIG redacted from the enclosed records, names and identifying information of DHS employees and third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemption 3, 5 U.S.C. § 552(b)(3), Exemption 5, 5 U.S.C. § 552(b)(5), Exemption 6, 5 U.S.C. § 552(b)(6), Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), and Exemption 7(E), 5 U.S.C. § 552(b)(7)(E) of the FOIA further discussed below.

### **Exemption 3, 5 U.S.C. § 552(b)(3)**

Exemption 3 protects “information specifically exempted from disclosure by [another] statute.” 5 U.S.C. § 552 (b)(3). In this instance, OIG is withholding information which is otherwise prohibited from disclosure by statutory restrictions.

### **Exemption 5, 5 U.S.C. § 552(b)(5)**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” 5 U.S.C. § 552(b)(5). DHS-OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted

invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS OIG is invoking Exemption 6 to protect: the names of third parties and any information that could reasonably be expected to identify such individuals.

### **Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS OIG is invoking Exemption 7(C) to protect the identities of third parties, and any information contained in these investigative records that could reasonably be expected to identify those individuals.

### **Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)**

Exemption 7(E) of the Freedom of Information Act affords protection to law enforcement information that “would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.”

### **Referral**

During our search for potentially responsive records, DHS OIG located 583 pages that originated with U.S. Immigration and Customs Enforcement (ICE), a component of DHS. Accordingly, we referred these records to ICE for processing and direct response to you. Should you wish to contact ICE regarding this referral, you may write to: Freedom of Information Act Office, 500 12<sup>th</sup> Street, SW, Stop 5009, Washington, D.C. 20536-5009; or, you may e-mail [ice-foia@dhs.gov](mailto:ice-foia@dhs.gov).

### **Appeal**

While this request is the subject of ongoing litigation and appeals are not ordinarily processed in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Your appeal must be in writing and received within 90 days after the date of this response. Please submit any appeal via email to [foia.appeals@oig.dhs.gov](mailto:foia.appeals@oig.dhs.gov) or via mail to:

FOIA/PA Appeals Unit  
DHS-OIG Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

If you submit your appeal via email, the subject line of your email should include “Freedom of Information Act Appeal.” If you mail your appeal, both the envelope and letter of appeal must also clearly be marked “Freedom of Information Act Appeal.” Your appeal letter must also clearly identify DHS-OIG’s response to your FOIA request. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

If you have any questions about this response and production, please contact Assistant United States Attorneys Jason Axe at [Jason.Axe@usdoj.gov](mailto:Jason.Axe@usdoj.gov) or Joseph Tursi at [Joseph.Tursi@usdoj.gov](mailto:Joseph.Tursi@usdoj.gov).

Sincerely,

ROY  
JONES III

Digitally signed  
by ROY JONES III  
Date: 2023.07.31  
16:03:31 -04'00'

Chief, Information Law Division  
DHS OIG

Attachment

# EXHIBIT J



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

August 2, 2023

Laboni A. Hoq  
HOQ LAW APC  
P.O. Box 753  
South Pasadena, CA 91030

SENT VIA EMAIL TO: [laboni@hoqlaw.com](mailto:laboni@hoqlaw.com)

Subject: *ACLU Foundation of Southern California v. U.S. Immigration and Customs Enforcement, et al.*, No. 22-4760 (C.D. Cal. filed July 12, 2022); DHS OIG Freedom of Information Act Request No. 2022-IGFO-00158; Final Supplemental Response

Dear Attorney Hoq:

This is our final supplemental response to the above-captioned litigation and Freedom of Information Act (FOIA) request submitted to the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), dated April 29, 2022, seeking the disclosure of records related to the “release of hospitalized detainees from custody prior to their death; any records related to release of individual detainees once hospitalized; and any records related to the death of such detainees after their release from custody, including any communications or investigations.” DHS OIG received this request on May 2, 2022, and assigned it Case No. 2022-IGFO-00158.

As noted in our previous correspondence, dated June 29, 2023, DHS OIG sent eight pages of records for consultation to another DHS component. That component has since processed those pages of records; thus, we are now producing them to you. Additionally, in our July 31, 2023, production, there were three pages of records that included the incorrect application of Exemption 5 on some redactions. We have re-processed those three pages and are producing them to you, again, with the appropriate exemptions applied. We have considered the foreseeable harm standard when reviewing all of these records and have applied the FOIA exemptions as required by the statute and the Attorney General’s guidance.<sup>1</sup> Based on our review, this office is providing the following:

6 pages are released in full; and  
5 pages are released in part.

<sup>1</sup> Department of Justice (DOJ), “Freedom of Information Act Guidelines,” March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>.

The exemptions cited for withholding records or portions of records are marked below.

<b>Freedom of Information Act, 5 U.S.C. § 552</b>			<b>Privacy Act, 5 U.S.C. § 552a</b>
<input type="checkbox"/> 552(b)(1)	<input type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

DHS OIG redacted from the enclosed records, names and identifying information of DHS employees and third parties to protect the identities of these individuals. Absent a Privacy Act waiver, the release of such information concerning the third parties named in these records would result in an unwarranted invasion of personal privacy in violation of the Privacy Act. Information is also protected from disclosure pursuant to Exemption 6, 5 U.S.C. § 552(b)(6) and Exemption 7(C), 5 U.S.C. § 552(b)(7)(C) of the FOIA further discussed below.

#### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6) (emphasis added). DHS OIG is invoking Exemption 6 to protect: the names of third parties and any information that could reasonably be expected to identify such individuals.

#### **Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes . . . [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(7)(C). DHS OIG is invoking Exemption 7(C) to protect the identities of third parties, and any information contained in these investigative records that could reasonably be expected to identify those individuals.

## Appeal

While this request is the subject of ongoing litigation and appeals are not ordinarily processed in such situations, I am required by statute and regulation to inform you of your right to file an administrative appeal. Your appeal must be in writing and received within 90 days after the date of this response. Please submit any appeal via email to [foia.appeals@oig.dhs.gov](mailto:foia.appeals@oig.dhs.gov) or via mail to:

FOIA/PA Appeals Unit  
DHS-OIG Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

If you submit your appeal via email, the subject line of your email should include “Freedom of Information Act Appeal.” If you mail your appeal, both the envelope and letter of appeal must also clearly be marked “Freedom of Information Act Appeal.” Your appeal letter must also clearly identify DHS OIG’s response to your FOIA request. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.8.

If you have any questions about this response and production, please contact Assistant United States Attorneys Jason Axe at [Jason.Axe@usdoj.gov](mailto:Jason.Axe@usdoj.gov) or Joseph Tursi at [Joseph.Tursi@usdoj.gov](mailto:Joseph.Tursi@usdoj.gov).

Sincerely,

ROY JONES III  
Digitally signed  
by ROY JONES III  
Date: 2023.08.02  
13:12:07 -04'00'

Chief, Information Law Division  
DHS OIG

Attachment